

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11884 of 2016

Date of Decision: 3.6.2016

M/s Liquor World Venture Private Limited, Chandigarh
....Petitioner.

Versus

Chandigarh Administration and others
...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Vikram Jain, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.1 and 2 for taking action against the liquor contractors including respondent No.3 for violating the conditions of the Excise Policy (Annexure P-1) for the year 2016-17 in Union Territory, Chandigarh on account of selling liquor at a price less than the approved minimum selling price by the Excise Department. Further, a direction has been sought to respondents No.4 and 5 to stop charging illegal extra licence fee and to refund the extra licence fee; for closure of distillery of respondents No. 4 and 5 for charging extra licence fee and to decide the representations dated

26.5.2016 (Annexure P-3) and dated 28.5.2016 (Annexure P-4) within the time frame work.

2. The petitioner is engaged in the business of liquor trade in UT, Chandigarh. In March, 2016, UT, Chandigarh had announced its Excise Policy for the year 2016-17 (Annexure P-1). It was allotted liquor vend through auction in Chandigarh in March, 2016 including the liquor vend at Sector 40-D, Chandigarh. The petitioner got the license of L-2/L-14 liquor vend in Sector 40-D, Chandigarh for ₹ 8,08,00,000/- and was required to pay the license fee proportionately for the entire period from 1.4.2016 to 31.3.2017. In Chandigarh many liquor contractors including respondent No.3 are selling liquor less than the approved minimum selling price fixed by the Excise Department which had caused loss to the petitioner. Further respondents No.4 and 5 are illegally charging extra licence fee amounting to ₹ 40.5 per case. On 25.5.2016, many liquor vends in UT Chandigarh including respondent No.3 had displayed the slashed rates of liquor less than the minimum prescribed rate under the Excise Policy for UT, Chandigarh for the year 2016-17. Accordingly, the petitioner moved representations dated 26.5.2016 (Annexure P-3) and dated 28.5.2016 (Annexure P-4) to the Administrator, UT, Chandigarh and respondent No.2 for charging extra licence fees by respondents No.3 to 5, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent representations dated 26.5.2016 (Annexure P-3) and dated 28.5.2016 (Annexure P-4) to the Administrator, UT, Chandigarh and respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representations dated 26.5.2016 (Annexure P-3) and dated 28.5.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the concerned parties, i.e., the petitioner and respondents No.3 to 5 within fortnight from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

June 3, 2016
gbs

(RAJ RAHUL GARG)
JUDGE